

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LAVENDER ROAD MANAGEMENT,
LLC d/b/a LAVENDER PLACE,

Plaintiff,

V.

HANOVER INSURANCE COMPANY,

Defendant.

[illegible]

Case No. 6:23-cv-277-JDK

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Lavender Road Management, LLC, d/b/a Lavender Place, initiated this insurance coverage dispute in state court. Defendant Hanover Insurance Company, asserting diversity jurisdiction, removed the action to federal court.

Before the Court are Plaintiff and Defendant's cross-motions seeking summary judgment. Docket Nos. 10 and 11. The Court referred the motions to United States Magistrate Judge K. Nicole Mitchell for proposed findings of fact and recommendations for disposition.

On July 23, 2024, Judge Mitchell issued a Report recommending that the Court grant Defendant's summary judgment motion and deny Plaintiff's motion. Docket No. 32. No objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 32) as the findings of this Court, **GRANTS** Defendant's motion for summary judgment (Docket No. 10), and **DENIES** Plaintiff's motion for summary judgment (Docket No. 11). It is therefore **ORDERED** that Plaintiff's claims are **DISMISSED** with prejudice for the reasons explained in the Magistrate Judge's Report.

So **ORDERED** and **SIGNED** this **8th** day of **August, 2024**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE